

THE UNITED STATES PATENT AND TRADEMARK OFFICE

#76
3/10/03

In re Application of : Alexander V. Kabanov et al.
Serial No. : 09/445,656
Filing Date : July 17, 2000
Examiner : E. Webman
Group Art Unit : 1617
Entitled : COMPOSITIONS FOR DELIVERY OF
BIOLOGICAL AGENTS AND
METHODS FOR THE PREPARATION
THEREOF



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Certificate of Mailing Under 37 C.F.R. §1.8(a):

I hereby certify that this correspondence is being deposited on February 28, 2003 with the United States Postal Service as first-class mail in an envelope properly addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Janice M. Nightlinger

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Assistant Commissioner
for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

In compliance with the duty of disclosure set forth in 37 C.F.R. § 1.56, Applicants are submitting herewith a Form PTO-1449 and a copy of the references listed thereon. This Information Disclosure Statement is being filed before the

mailing of a first Official Action after the filing of a request for continued examination under §1.114, as provided in 37 C.F.R. §1.97(b)(4). Thus, it is believed by the undersigned attorney that no fee is required under 37 C.F.R. §1.97(b).

In the event that a fee is required, the Commissioner is authorized to charge Deposit Account No. 04-1406 of the undersigned attorneys. A duplicate copy of this sheet is enclosed.

In the opinion of the undersigned, the references submitted herewith are the most pertinent of which the undersigned is aware. However, no representation is made or intended that more pertinent references do not exist.

This submission is not an admission that the references listed on the attached Form PTO-1449 constitute prior art against the claims of this application.

The references submitted herewith are from the Supplementary European Search Report in applicants' corresponding European patent application. A copy of the Supplementary European Search Report is attached.

The page from Polymeric Materials Science and Engineering (C₁) is not citable as prior art against this application, as it describes applicants' own invention and was published less than one year prior to the filing date of the present application. Cf. In re Katz, 215 U.S.P.Q. 14, 17 (C.C.P.A. 1982).

The remaining references are cited as "technical

background in the Supplementary European Search Report and have little, if any, relevance to the patentability of applicants' claimed invention. In this regard, it is noted that although the Russian patent abstract has been cited as evidence of lack of novelty with respect to certain claims of applicants' corresponding European application, this reference fails to disclose or even suggest a block copolymer having at least one non-ionic water-soluble segment and at least one polyionic segment, as called for in applicants' claim 1. Rather, the Russian patent abstract discloses conventional copolymers composed of the monomers N-vinylpyrrolidone and tri-ethyl-methacryloyloxy-ethyl ammonium iodide. By contrast the block copolymer called for in the present claims includes segments that are polymeric in nature. See page 8, line 22 through page 10, line 2 of the present specification.

The Examiner is respectfully requested to confirm receipt and consideration of the cited references by initialing and returning a copy of the attached Form PTO-1449 in accordance with M.P.E.P. §609.

Early and favorable consideration of this application
is respectfully requested.

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